

REMARKS

Claims 59-62 and 65-97 are pending and are the subject of the office action.

Sequence Listing Compliance

In the office action, the examiner issued a Notice to Comply with the requirements for patent applications containing nucleotide and/or amino acid sequences. In accordance with the requirements of 37 CFR Sections 1.821-1.825, Applicants are providing herewith a paper copy of the substitute Sequence Listing, along with a computer readable form of the Sequence Listing and Certificate re Sequence Listing. The sequence disclosures in the Sequence Listing are fully supported by the specification as filed, and as such, do not introduce new matter. Entry of the substitute Sequence Listing into the specification is requested.

Information Disclosure Statement

In Applicants' previous response, the undersigned requested that copies of initialed Forms 1449 (that were filed with IDSs on March 3, 2003 and on January 20, 2004, respectively) be provided with the next office communication. Applicants thank the Examiner for providing a copy of the initialed Form 1449 (that was filed January 20, 2004) with the present office action.

The Examiner, however, indicated in the present office action that there is no record of an IDS filed March 3, 2003 for the present application. The undersigned is enclosing herewith a copy of the Information Disclosure Statement and Form 1449 filed by Applicants on March 3, 2003, along with a copy of the stamped postcard confirming receipt of the same by the Patent Office on March 3, 2003. Since that IDS was timely filed on March 3, 2003, it is believed that no additional fees are due at this time. The Examiner is respectfully requested to consider this IDS and the references cited therein, and return a copy of the initialed Form 1449 to Applicants.

Provisional Double Patenting Rejection

Claims 59-62 and 65-75, 79-89 and 93-97 remain provisionally

rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5, 10-47 of co-pending application no. 09/396,710 and claim 14 of co-pending application no. 10/207,295.

This is a provisional rejection because the co-pending claims have not yet been patented. The undersigned attorney will contact the Examiner to discuss this rejection further.

Section 112 Rejection

Claims 75 and 89 were rejected under Section 112, first paragraph, as failing to comply with the enablement requirement. The Examiner states that the deposit statement (made in connection with the ATCC deposited hybridoma cell line Accession No. HB-12456) on page 95 of the specification is not complete.

The specification and deposit statement have been amended pursuant to the Examiner's request, and withdrawal of the rejection is requested.

Respectfully submitted,

GENENTECH, INC.

By:

Diane L. Marschang
Diane L. Marschang

Reg. No. 35,600

Phone: (650) 225-5416

Fax: (650) 952-9881

Date: December 28, 2004